

M,IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO. 17219 of 2004

Between:

M.Veeriah, S/o Bala Veeriah,
Assistant Depot Clerk, A.P.S.R.T.C.,
Podili, Prakasam District.

..... PETITIONER

AND

- 1 The Chairman, A.P.S.R.T.C.,
Musheerabad, Hyderabad.
- 2 The Regional Manager, A.P.S.R.T.C.,
Prakasam Regional Office, Ongole,

Prakasam district.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the respondents for not considering the petitioner for promotion for higher posts the date on which his Juniors were promoted i.e., in the year 1987, as illegal, arbitrary and unjust by issuing an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus consequently direct the respondents to consider notional promotion to the petitioner to the post of Asst.Depot Clerk (A.D.C.) the date on which his juniors were promoted and pay all consequential benefits forthwith

Counsel for the Petitioner:MR.M.A.KHADER, Advocate

Counsel for the Respondent No.: MR.R.MANMADHA REDDY, Standing Counsel for A.P.S.R.T.C.

The Court made the following:-

ORDER:

-

The petitioner entered into the service of the respondent-Corporation as conductor in the year 1972. He was promoted as an Assistant Depot Clerk in the year 1989. The grievance of the petitioner is that his juniors were promoted in the year 1987 itself, but he was given promotion in the year 1989, therefore, there shall be a direction to the first respondent to consider his request for extending the benefit of notional promotion from the year 1987 to the post of Assistant Depot Clerk from the date on which his juniors were promoted. The petitioner was charge sheeted for ticket and cash irregularity, and was kept under suspension w.e.f 2-12-1986. The Depot Manager imposed a punishment of stoppage of one increment with cumulative effect and reinstated him into service w.e.f 24-2-1987. On preferring an appeal to the second respondent dated 2-8-1987, the second respondent modified the order of the Depot Manager by directing that the stoppage of one increment shall not have the effect of postponing the future increment that is without cumulative effect. The petitioner contends that even though he was imposed minor penalty of stoppage of one increment, he is entitled for the notional promotion in pursuance of a circular of the second respondent-Corporation dated 9-2-1976.

In the light of the submissions made by the petitioner, the first respondent is directed to pass appropriate orders on the representation of the petitioner dated 16-9-2003, regarding his request for notional promotion from 1987, within 8 weeks from the date of receipt of a copy of this order. The first respondent may also consider whether the circular dated 9-2-1976 is applicable to the case of the petitioner while passing orders on the representation.

Accordingly, the Writ Petition is disposed of. No order as to costs.

24th September, 2004.

Note:

CC in Three Days

B/O

Mrb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Chairman, A.P.S.R.T.C.,
Musheerabad, Hyderabad.
- 2 The Regional Manager, A.P.S.R.T.C.,
Prakasam Regional Office, Ongole,

Prakasam district.

3. Two CD copies